

## **REMARKS/ARGUMENTS**

This is intended to be a complete response to the Official Action mailed November 29, 2004, in which claims 1-64 were rejected. Applicants have amended claims 1, 3, 4, 6, 8, 17, 18, 20, 33, 35, 37, 39, 42, 54, 56 and 59 herein. Claims 10-16, 21, 22, 26, 27, 31, 32, 45-53 and 61-64 have been cancelled without prejudice. Claims 1-9, 17-20, 23-25, 28-30, 33-44 and 54-60 remain in this application.

### **Specification**

In the specification, the paragraph 0001 has been amended to update the abandoned status of USSN 10/195,030.

### **Drawings**

In the official action it was stated:

"These drawings are accepted and approved except for the last sheet of Figures 13-15 and 17 which are different figures than the Formal Drawings with the same figure numbers."

In response to a Notice to File Missing Parts dated December 19, 2003, which stated that Figs. 14 and 15 were omitted from the application, a Preliminary Amendment was filed on January 8, 2004. The Preliminary Amendment stated that the parent application, USSN 10/195,030, was expressly incorporated by reference in the subject application, and thus Figs.

14 and 15 were considered to be incorporated by referenced under MPEP 201.06(c)(B). To fully comply with the requirements of MPEP 201.06(c)(B), a copy of the Figs. 14 and 15 from the parent application were to be submitted with the Preliminary Amendment; however, this page of drawings appears to have been inadvertently omitted and an unrelated page containing Figs 13-15 and 17 of a different application substituted therefor.

However, formal drawings were also submitted with the Preliminary Amendment, and the formal drawings contained the correct Figs 14 and 15 (as well as the correct Figs. 13 and 17 as filed with the application). Applicant's Agent apologizes for this oversight. For the Examiner's convenience, submitted herewith are Figs. 14 and 15 from the parent application USSN 10/195,030, as well as a copy of the Figs. 14 and 15 from the formal drawings filed January 8, 2004. The two sets of figures are identical. Figs. 13 and 17 submitted with the formal drawings on January 8, 2004 are identical to those originally filed in the application.

#### **Rejection Under 35 U.S.C. §102(b)**

Claims 8-16, 20-22, 25-27, 30-32, 42-53 and 59-64 stand rejected under 35 U.S.C. §102(b), as being anticipated by Weder 5,029,412.

Applicant respectfully traverse the rejection. Weder '412 teaches a preformed flower pot or flower pot cover having a plurality of connected and

unconnected overlapping folds. The pot cover is constructed in a fully open position such that the pot cover has a base having an inner space. It is not constructed such that it is in an initially flattened shape which is openable to an open position. It is already in an open position when it is constructed.

In view of the fact that Weder '412 does not teach each and every feature of the invention as presently claimed, Weder '412 does not anticipate the claimed invention. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102.

**First Rejection Under 35 U.S.C. § 103(a)**

Claims 4-7, 18, 19, 24, 29, 37-41 and 56-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weder (US 5,029,412) 1991, in view of Celtorius (US Des. 419,436) 2000.

Applicant respectfully traverses the rejection on the same basis as provided in the response to the rejection under 35 U.S.C. §102. Celtorius does not remedy the deficiencies of Weder '412 nor provide a teaching or suggestion to construct the pot cover of Weder '412 in an initially flattened condition.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

**Second Rejection Under 35 U.S.C. §103(a)**

Claims 1-3, 17, 23, 28, 33-36, 54 and 55 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Weder and Celtorius as applied to claims 4, 18, 37 and 56 above, and further in view of Windisch (WO 93/15979) 1993.

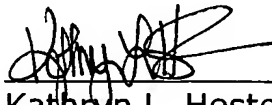
Applicant respectfully traverses the rejection for the same reasons provided in the response to the rejections under 35 U.S.C. §102 and §103. Windisch does not remedy the deficiencies of Weder '412 or Celtorius nor provide a teaching or suggestion to construct the pot cover of Weder '412 in an initially flattened condition.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

### **Conclusion**

In view of the above, Applicant respectfully submits that the drawings, specification and claims are now in a condition for allowance and requests issuance of a Notice of Allowance thereof.

Respectfully submitted,



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